

McCleary decision is about equity for all children

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Seattle Times illustration

Too many Washington students languish in underfunded classrooms, many with underpaid teachers, sharing old textbooks with peers and without the benefit of modern computers.

By [Seattle Times editorial board](#)

The Seattle Times

CARTER McCleary was in second grade in the rural Olympic peninsula town of Chimacum when the school-funding lawsuit named for his family was filed in King County Superior Court. He will be halfway through his senior year when the Legislature convenes in January, ostensibly to tackle the remaining and most difficult remedies in that case.

The governor and the Legislature must delay no longer. In 2012, the Washington state Supreme Court ruled in *McCleary v. State of Washington* that the state education-funding system was unconstitutional.

Jump to:

Part II: [Supreme Court must increase pressure](#)

Now, representatives of the governor and Legislature will meet with justices Wednesday to argue they are on track to fulfill the state's obligations to the 1.1 million children in Washington public schools. However, the state will argue it needs until September 2018 to solve two issues around the state's overreliance on local levies and teacher compensation.

The plaintiffs, including Carter's family, argue the deadline is September 2017 — and the state cannot delay any further.

They are right. Too many Washington students languish in underfunded classrooms, many with underpaid teachers, sharing old textbooks with peers and without the benefit of modern computers.

While some students are left behind, others are lucky enough to live in property-rich districts with more affluent taxpayers willing to tax themselves to make sure students have a rich experience with a variety of educational opportunities and support.

[Share your story](#)

What are your stories of inequity in public schools? And if you could change one thing at your school with more money, what would it be? Write a letter of no more than 200 words with your full name, address and phone number for verification to:

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At the heart of the McCleary decision is equity — the difference between students with an education that prepares them for college or the modern world of work and those who are given the bare minimum. There are caring parents, teachers and community members in all of Washington's schools. The difference is not only in the dollars — but how they are spent to provide the best outcomes for students.

The Chimacum School District was so hard up that Carter McCleary and his classmates were deprived of classroom time because the schools had them making holiday ornaments and other crafts for fundraising, his mother testified in 2009. Stephanie McCleary also spoke about old textbooks that were falling apart.

Another plaintiff, Patty Venema, testified about nonstop school fundraisers — gift wrap, bulbs, cookie dough — and that teachers at Cathcart Elementary in Snohomish School District asked parents to replace globes and maps that still showed the USSR.

Multiply these stories across the state.

What is McCleary?

What does it mean to fully fund basic education?

To learn more about the Supreme Court's McCleary decision and what has happened since the 2012 ruling, go to: projects.seattletimes.com/2016/education-funding/

Washington public schools are rife with inequities, from teacher salaries to computers to local levies.

Generous taxpayers in Everett have OK'd local levies that pay some of the highest teacher salaries in the nation — \$66,457 for a midcareer teacher without a master's degree or board certification during the 2014-15 school year. Meanwhile, in less affluent Yakima, a Central Washington city where incomes, land and property values are lower, a midcareer teacher earned \$49,163.

Bellevue School District voters approved technology levies in 2010 and 2014 to pay for laptops and computer equipment. Meanwhile, in some school districts like Bridgeport and Trout Lake, the computers are so outdated most students take the new computer adaptive statewide tests with pencils and paper.

Because the state has failed to fully pay the cost of basic education, local communities have made up the shortfall in whatever ways they can. Some districts have the property values to enable them to tax their way to success. Others have scrambled for money with wrapping-paper sales and putting school children to work on crafts to sell. These efforts have done nothing to fix the inequities in the system, and in some cases have only made them worse.

When the justices and representatives of the governor and Legislature convene in the Temple of Justice Wednesday, they should keep one goal in mind: Ensure all Washington students' right to fairness and equity in their education, whether they live in Chimacum or Yakima or Bellevue, is fulfilled.

Time is up: Supreme Court must increase pressure

WASHINGTON'S Supreme Court justices should ratchet up the pressure on lawmakers to finish their work to fully fund basic education. That includes reforming the way the state pays for public schools and ensuring better outcomes for students.

Frustrated with progress in 2014, the high court held the state in contempt of court over lack of progress in fulfilling its orders around the McCleary decision on education funding. The court delayed penalties to allow the Legislature to make progress during its 2015 session. Still disappointed in August 2015, the court tried to turn up the pressure by imposing a fine of \$100,000 a day.

The Legislature all but shrugged, not even appropriating money for the fine in the state budget. What they did do was enact a disappointing bipartisan “plan for a plan” to solve the problem next year.

The fine was a misfire, and the court should abandon it.

However, the justices’ demands are not a misfire. They embody the urgency of solving Washington state’s underfunding of K-12 education. The system, over decades, has led to unjust and unequal education for students across the state.

The justices’ next order must carry directions and a threat of penalties lawmakers and the governor won’t be able to ignore.

First, the court should not give lawmakers any additional time to finish their work.

Previous court orders already told lawmakers the 2017 session, which convenes in January, is their last chance to fix the way the state pays for public schools.

But Attorney General Bob Ferguson, in defense of the state, argued in a recent brief that lawmakers have until September 2018 to finish their McCleary work.

The lawyer representing the coalition of school districts, teachers and community groups that sued the state over education funding argues the deadline is September 2017.

Lawmakers must finish their work during the 2017 legislative session. Otherwise, any changes in the state tax system, whether levy reform or new taxes, likely would not go into effect by 2018.

Second, the court should set out concrete penalties that maximize the pressure on the Legislature and governor while causing the least disruption for the state’s students, who are already in a system that leaves too many behind.

The McCleary plaintiffs have proposed a number of possible Supreme Court sanctions, including:

- Declare the state budget unconstitutional and call lawmakers back to Olympia to try again.
- Rewrite the state budget and strike down as unconstitutional all tax exemptions passed by the Legislature.
- Shut down schools until lawmakers can reach an agreement. That should be the last resort because it could harm kids. However, in New Jersey, the Legislature resolved a similar education-funding standoff eight days after its Supreme Court shut down schools.

Another possibility is for the court to appoint a special master who will engage directly with lawmakers and the governor to goad them to quicker action — and report to the court directly with more intimate insights into the obstacles to resolution.

Time is up. Washington's 1.1 million students can wait no longer.

Editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Ryan Blethen, Donna Gordon Blankinship, Brier Dudley, Mark Higgins, Jonathan Martin, William K. Blethen (emeritus) and Robert C. Blethen (emeritus).